



CRL O.P. No.21675 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :06.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21675 of 2024

Gopinath

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Jolarpettai Police Station,
Thirupathur District.

(Crime No.538 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.538 of 2024, on the file of the respondent.

For Petitioner : Mr.K.Kannadasan

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.08.2024 for the offences punishable under Sections 6(b), 24(1) of COTPA Act, 2003, r/w 123 of BNS, 2023, in Crime No.538 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 14.08.2024 at about 13.30 hours, when the respondent police were on regular patrol, the petitioner was found in possession of 3 kgs of banned tobacco products worth about Rs.8,000/- in a gunny bag. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in judicial custody from 14.08.2024 and there is no previous case as against the petitioner. He would also submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner was found in possession of banned tobacco products worth about Rs.8,000/-. He would further submit that there is no previous case against the petitioner and the property has been recovered from the accused. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of offences and the quantity of material involved in this case and also considering that there is no previous case pending against the petitioner and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate No.I, Thirupathur**, and on further conditions that;



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[b] the Petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the Petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

- 1.The Judicial Magistrate No.I, Thirupathur.
- 2.The Inspector of Police,
Jolarpettai Police Station,
Thirupathur District.
- 3.Sub Jail, Thirupathur.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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